App. F. IX-4

1916

1916.

File No. 15-16

Previous References

(Leegis)

Serial Nos. 1, 1A, 3-6, 6A, 7

fm 519-15-3

Later References

P-84

1916 191

General and Revenue Secretariat.

A Collection

Serial Nos.

Manuscript Part for April 1917

SUBJECT

Madras Grazing (Emergency) Regulations.

Ramaswamy Iyengar

10.11.17.

1916

Previous Reference
G M 517-15-3

File No 15-1916.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

PROCEEDINGS OF THE GENERAL AND REVENUE SECRETARIAT.

For April 1917.

Judicial and Legislative (Legislation).

"A" Collection. Serial Nos 1,1A,3-6,6A,7.

The Enemy Trading (Emergency) Regulation.

Table of contents

Serial No	Number and date of letter and contents	Page in A Proceedings
--	From the First Assistant to the Resident. No 6140 dated 30-8-16. Forwards copy of a letter from the Govt. of India regarding the scheme for the registration of property in British India belonging to enemies and requests that the Durbar may take similar action where necesaary.	
1A.	To the Compiler, Mysore Gazette. No J 1706 dated 13-11-16. Forwards for publication the Enemy Trading (Emergency) Regulation as Regulation VI of 1916.	
3.	To the Compiler, Mysore Gazette. No J 2097 dated 13-12-16. Forwards for publication rules under the Enemy Trading (Emergency) Regulation, VI of 1916.	
4.	To the Revenue Commissioner. No J 2487 dated 10-1-17. Forwards for information and guidance 20 copies of the Regulation and the copy of the Govt. of India letter dated 7-8-1916.	
5.	To the First Assistant to the Resident. No Pol 689 dated 10-1-17. Forwards for information 9 copies of the rules issued under the Regulation.	

6. To the First Assistant to the Resident.
No Pol 946 dated 15-3-17,

Informs that the Enemy Trading Bill will be placed before the Legislative Council on 20-3-1917.

6A. From the First Assistant to the Resident.
No 2369 dated 27-3-17.

Informs that the Resident sees no objection to the Bill being placed before the Legis. Council

7. To the Compiler, Mysore Gazette. No J 3602 dated 9-4-17.

Orders the publication of the Regulation as Regulation No II of 1917.

T V R.

G. R. S. 11] 1916.

GENERAL AND REVENUE SECRETARIAT.

(Legis Gen.)

NOTES.

File No. 15-16

FILE HEADING.

Registration of enemy property in the State.

From

The J. A. Resident in Mysore.

No. 6140 Dated 30.8.1916 Received

Diary No. 2057.	Enclos.	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards copy of a letter from the Govt. of India, Dept. of Commerce & Industry re the Scheme for the regn. of property in British India belonging to enemies & requests that the Durbar may take similar action where necessary.

NOTES AND ORDERS.

A draft letter embodying the observations contained in the letter of 7.8.1916 of the Govt. of India, is put up. It is a point for orders whether a notification should not be issued publishing the Registration of enemy property rules.

RA
9/9

NOTES—First Sheet.

Jani 4[illegible]-16

G. R. S. 12]

General and Revenue Secretariat.

Legis 15-16

G. R. File No. 257 of 1916.

3

Serial No.	
	6) The Rules are issued under the Enemy Trading Ordinance V of 1916. If action on the same lines has to be taken here regarding the registration of property in Mysore belonging to enemies, the Ordinance has to be introduced here. Orders are therefore requested whether Draft Emergency Ordinance may be put up. Eg 25/9
Legis 19	7) Draft and submit D. M. Narasinga Rao 25/9 Eg 25/9
	8) Sir W. The Enemy Trading Ordinance V of 1916 has been rescinded by the Legis. Council as Act X of 1916. (vide Gazette of India of 9/9/16 Pt IV P. 31.) A draft Bill for enforcing the provisions of this Act in Mysore is put up as ordered. The Bill has been drafted on the lines of the previous Emergency Regulations. S.V.S 25/9/16
	9) The draft may be approved. After the Ordinance is issued, draft rules on the basis of the British Indian Rules will also be submitted for approval. G. Srinivasa Iyer Eg 27.9.
	10) Draft approved by the Dist Member Bvs 29/9

Schedule ready.

NOTE—Contn. sheet.

148/29.9

GPB—70,000—17-1245

(For disposal by circulation)

No. C. 753.

2.6.10. 1916.

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

(Clause ii of the Schedule).

Question of introducing the Enemy Trading Act, (X of 1916) of British India, into the State.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

D. M. Narayanrao

26th Octr., 1916.

Secretary to Government.

Extraordinary Member of Council. Received back from the office of the 2nd Member on 2.11.16.

First Member of Council. Approved.

Second Member of Council. 4/11. 310. 26.10.16 Secd. 28/10

WD 2012—GPB—1,000—9-2-16

Submitted to His Highness.

17/ I submit herewith a Final Note by the First Member of Council, on the draft Enemy Trading (Emergency) Regulation extending into Mysore the provisions of the Enemy Trading Act, X of 1916.

*Draft for approval

16/ 2. The draft Regulation and its promulgation into law as an Emergency Regulation under section 15 of the Mysore Legislative Council Regulation, 1907, may be graciously approved.

M. Visvesvaraya

8th Nov. 1916.

BR

7

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Draft Enemy Trading Regulation, extending into Mysore the provisions of the Enemy Trading Act X of 1916, and its promulgation into law as an Emergency Regulation.

443

Order.

~~KRW~~

10/11/16

Sunday
11.11.16.

General and Revenue Secretariat. | Legis File No. 15 of 1916.

Serial No.

21) Subd. with a draft order to the Compiler Mysore Gazette
S.V.S.
11/11/16
22) Issue at once
Examiner 7
18/11

1A No. 9/1706 dated 13th November 1916 to the Compiler Mysore Gazette forwards for publication the Enemy ~~Mysore Emergency~~ Trading (Emergency) Regn as Regn VI of 1916.
~~Subd. with~~ Spare copies of the Regulation have been received

23) Subd. with a draft forwarding 11 copies of the Regn to the Residency as usual also a draft Notn issuing the rules under the Regn on the lines of the British Indian rules. After the rules are published the copy of the circular letter with the Memorandum prepared by the Public Trustee in England together with a copy of the Rules will be sent to the Revenue Commr for who is the Custodian of Enemy property for his information and guidance

NOTE—Contn. sheet.

GPB—70,000—17-12-15

I file 4646

9

G. R. S. 12]

General and Revenue Secretariat. | Legis File No. 15 of 1916.

Serial No.

The Revenue Commissioner ~~was~~ has been appointed Custodian of Enemy Property by Notn No G 5-76/G.M. 5-17-15-4 dated 13.7.16.

S.V.S.
25/11/16

24) Issue the letter & Notn Rel to Mian
Submit the file. by.
28/11

2 No Pol. 5-29 dated 27/11/16 ~~From~~ to the J. A. Resident in Mysore forwards 11 copies of the Regn Subs. for orders on the draft Notn re rules.

28/11/16

24) Draft Notn may kindly be approved.

Secretary
Mysore

1060/12.12

First Member) 9

25) Approved
12/12

26) Issue before 12 noon
28
1/12
S. Srinivasa Rao

4-30

NOTE—Contn. sheet.

GPB—70,000—17-12-15

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

10

General and Revenue Secretariat. | Legis File No. 15 of 1916.

Serial No.	
3	No J 2097 dated 13/12/16 from the Compiler, Mysore Gazette. Forwards for publication rules under the Enemy Trading (Emergency) Regn VI of 1916
2)	Subn. Spare copies of the Rules have been received. As the Revenue Commr in the Custodian of Enemy Property in Mysore, may 20 copies of the Regn and the Rules together with a copy of the Govt of India letter No 6804-W-II (Dept of C&I) dated 7th Aug: 1916 received with the Residency letter No 6140 dated 30/8/1916 be forwarded to him for his information. 9 copies of the rules will also if approved be sent to the Residency in reply to their letter of 30th Aug: 1916. Two drafts are put up S.V.S. 8/11/916.
28)	Issue Srinivasa Iyer 8/1
4	To the Revenue commissioner No J 2487. 10th Jan: 1917 Forwards for his information &c

NOTE—Contn. sheet.

Q Pris 464-16

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | Cresi File No. 15 of 1916. | 11

Serial No.	
	Guidance 20 copies of Desp. and one copy of the Govt. of India (Dept of Commerce and Industry) circular letter no 6806 dated 4th Aug: 1916.
5	To the H. A. Resident no Poe 689 10th Jan: 1917 Forwards 9 copies of the Rules
29	Subt. The Enemy Trading (Emergency) Regulation, VI of 1916 was passed as an emergency provision on the 10th Nov: 1916 which was published in the Gazette on the 16th Nov: 1916. This will be in force only upto 10th May 1917. Orders are therefore required for passing it through the Legis. Cl in the usual manner at this month meeting. A draft Bill with Statt. of Objs & Reasons is put up. S.V.S. 6/4/17 KLL
30	This was not mentioned in the draft agenda by oversight. If the Bill is approved by Hon'ble Minister before the 15th, it will be included in the agenda. Otherwise, instead of clause 3, a clause in the following effect "It shall come into force from the 5th May 1917" and passed at the meeting of the Leg Council in June. The effect of this clause will be to give retrospective effect to the Regulation from the date of [illegible] which is upheld.

Verified again from Gazette etc 13/4/17

NOTE—Contn. sheet.

gains 464-16

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2.

General and Revenue Secretariat.	File No.	of 191 .

12

Serial No.

Submitted for orders.

Estt. Officer
6/3

Asst. Member
Dewan

3/3 [illegible]

7/3

13

VI of 1916

5th May 1917

37)

The Enemy Trading Emergency Regulation # VI of 1906 expires on 15th instant *

Bill to pass ~~de~~ formal regulation should be laid before Legislative Council on 20th instant. ~~Hiekkaan~~ orders of His Excellency ~~ge~~ necessary and may kindly be ~~Hiekkaan~~ ~~these~~ ~~and~~ telegraphed. First Member agreeable. Yours

8/3

To ~~Hiekkaan~~ Sir Visvesvaraya
No 3, Wardon Road
Bombay.

From Gen. Secy.

14

C.

INDIAN [illegible]

NOTICE.

This form must accompany any inquiry [illegible] telegram

Charges to pay.

Rs. | As.

BOMBAY
[illegible]
Office stamp

Handed in at Office of Origin | Date | Hour | Minute | Service Instructions. | Words

TO

Recd. here at | H. | M

N. B.—The name of the Sender, if telegraphed, is written after the text.

Gulab Singh & Sons, Calcutta—No. 355 P. O.—13-12-14—50,000 Bks.

Legis 464-16

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2

General and Revenue Secretariat. | Legis File No. 15 of 1916-17

Serial No.

33) Subd with a draft D.O. to the Residency for being issued from the D.O. 13/3/17 the copy of the Bill and of the Statement of Objects and reasons have to be attested. The Bill has been included in the Agenda S.V.S. 13/3/17 9/91.

34) Darkhwast of approval Srinivasa Iyengar 13/3

Sec'y / Dy Sec'y

5(8) / 14-3-17

35) This may come from Sec'y to H.E.H.A.R. Douglas 13/3

Vide opinion on the D. — 14

Dy. Visitors — 14-3-17

26) Draft Order W.P. D.M. 20 [illegible] in 15/3

6 No. Pol. 966 dated 15th March 1917 to the F. A. Resident in Mysore informs that the Enemy Trading Bill will be placed before the Legis. Cl. on 20th March 1917.

6A From the F. A. Resident in Mysore No 2369 dated 27th March 1917 informs that the Resident has no ~~prima facie~~ objection to the Bill being laid before the Legis. Cl.

NOTE—Contn. sheet.

J Mis 464-16

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | Legis File No. 15 of 1916.

16

Serial No. 37) Subd. ~~The rules of business was not~~ Leave to introduce the Enemy Trading Bill was granted by the Legis. Cl. on 20th March 1917 and in the same meeting the rules of business were suspended and the Bill passed. His Highness' sanction is required before the Bill can be promulgated into law. A draft Final note and a draft Submn note are put up. A copy of the Bill as passed is also put up

Flag N

S.V.S.
27/3/17 Dpl.

38) In favour of draft and approval
G. Srinivasa Iyengar 29/3/17

~~First Member~~ 39) C.B.S.
~~Secondary~~
30/3

2498 30-3-17

Fair final note signed by the 1st Member is put up.
30/3/17
Dewan

5501 2-4-17

Dewan 30/3

NOTE—Contn. sheet.

Final Note by the First Member of Council.

Subject:—

The promulgation of the Enemy Trading Bill as law.

N 39) The Enemy Trading Bill was placed before the Legis-

Page 16 of office note

lative Council and was duly passed on the 20th March 1917.

θ, Its scope and purpose are fully explained in the statement

U of objects and reasons. A copy of the speech made in the Legislative Council is also submitted herewith.

Gracious sanction of His Highness the Maharaja is required for promulgating the Bill as law.

[signature]

30 March 1917

Submitted to His Highness.

I submit herewith a Final Note by the First Member of Council on the subject of the promulgation of the Enemy Trading Bill as law,

for His Highness' gracious approval.

M. Krishnaraja
Dewan.

C. 75-8 (cw)

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Promulgation of the Enemy Trading Bill as law.

13

41) ***Order.***

~~KRW~~

5/4/17

13 ✓ 1/164

~~KRW~~ 13.4.17.

346 / 14-4-17

2676 / 11.4.17 11/4

Secretary 7.4.17

42) S. Sinha

Gh-464-16
£2000

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | Legis File No. 15 of 1916

Serial No.

43) Subd. with a draft to the Compiler, Mysore Gazette, to publish the Regn.
S.V.S.
9/4/17

44) Submitted
9/4

1 To the Compiler Mysore Gazette
No 3602 9th. April 17
Notifies the promulgation of the Enemy trading Bill as law.
Subd. Spare copies of the Regn. III of 1917 as well as of the Regulation have been received from the Press.
Drafts forwarding 9 copies to the Residency and 2 copies to the Nizam's Govt are put up.
21/5/17

A-
25/5

NOTE—Contn. sheet.

Enemy Trading Bill.

Speech by the First Member of Council at the Mysore Legislative Council on the 20th March 1917 while -- introducing the Enemy Trading Bill to the Council.

I beg to move that leave be granted to introduce the Enemy Trading Bill. The object of the Bill is to prohibit or control trading by hostile foreigners and hostile -- firms. This is a noncontroversial measure and the necessity for its introduction requires no detailed explanation. The Enemy Trading Emergency Regulation VI of 1916 received the assent of His Highness the Maharaja and was promulgated in the Gazette on the 15th November 1916. Under Section 15 of the Legislative Council Regulation, the Regulation will have force for a period of only six months from the date of promulgation, and will expire on the 15th May next.

It is unnecessary to say that the Regulation should be in force during the period of the war and not merely till the 15th May. To achieve the object, the Bill is framed so as to extend to Mysore, mutatis mutandis the British Indian Act which is now enforced under the Emergency -- Regulation. There are only three sections which run as follows : -

1. The Enemy Trading Act, X of 1916, shall mutatis Mutandis be enforced in Mysore as long as and to the same extent as the Act is in force in British India.

2. It shall apply to all subjects of the state whether residents in or out of Mysore, and to all persons resident within the State.

3. The Enemy Trading (Emergency) Regulation, 1916, is hereby repealed.

I move that leave be granted to introduce the Bill.

GEN. & REV. SECTT.
2 SEP 1916

No. 6140.

FROM

MAJOR T. H. ST. GEORGE TUCKER,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

DIARY NO. 2057
1916-1917
SECTION
FILE NO.
SERIAL NO.

To

The Dewan of Mysore.

Dated Bangalore, 30th September 1916.

SIR,

In continuation of my letter No.3882, dated the 2nd June 1916, I am directed to forward a copy of a letter (with enclosures) No. 6804-W-II, dated the 7th August 1916, from the Government of India in the Department of Commerce and Industry, regarding the scheme for the registration of property in British India belonging to enemies.

with 3 spare copies.

2. I am to request that, if there is no objection, the Durbar may where necessary take similar action to that explained in the above letter.

I have the honour to be,

Sir,

Your most obedient servant,

First Assistant Resident.

No. 6804-W.-II.

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE AND INDUSTRY.

FROM

THE HONOURABLE MR. C. E. LOW, C.I.E., I.C.S.,

Secretary to the Government of India,

To

ALL LOCAL GOVERNMENTS AND ADMINISTRATIONS.

Simla, the 7th August 1916.

SIR,

IN continuation of my letter No. 2208-W., dated the 27th April 1916, I am directed to address you on the subject of the scheme for the registration of property in British India belonging to enemies.

2. As $\frac{\text{the local Government}}{\text{you}}$ are no doubt aware, steps have already been taken in the United Kingdom under the Trading with the Enemy Amendment Acts of 1914 and 1915, not only for compiling a comprehensive record of property due to enemies, but also to enforce the payment of all enemy assets to the Custodians of enemy property. A copy of the memorandum issued by the Public Trustee in England, who is also the Custodian for England and Wales, explaining the procedure adopted by him to give effect to the provisions of the British enactments referred to above is enclosed.

3. It will be observed that the policy hitherto followed in India as regards the custody of enemy property differs in many respects from that adopted in the United Kingdom. The Enemy Trading Act, 1915 (XIV of 1915), merely allows persons in British India holding monies which they are prohibited from paying to enemies to pay them over to the Custodian at their option and for their own convenience, whereas the British statutes not only make such payments compulsory but apply to practically all kinds of property, and further give wide powers of inspection of books, etc., for the purpose of enforcing the handing over of all enemy assets to the State. The question of bringing the Indian law into line with the English law is under the consideration of the Government of India. In the meantime they consider it desirable to provide for the compulsory submission of returns of enemy property. Power has accordingly been taken under section 10 of the Enemy Trading Ordinance, 1916 (V of 1916), enabling the Governor General in Council to make rules for the purpose of enforcing the supply of information regarding enemy property in this country. A copy of the notification in which the required rules were published is forwarded herewith. I am to request that these rules may be given wide publicity and made known to the mercantile community [through the Chamber(s) of Commerce] at the earliest possible date, and that steps may be taken to compile the requisite information on the lines adopted in the United Kingdom.

4. The accompanying Tabular statement indicates the methods which should be followed in analysing the returns of enemy property. The Government of India desire that a return in this form, omitting the names of persons, firms and companies and showing the totals arrived at in respect of each of the Forms A to F during each quarter, should be submitted to them. The first return should contain information furnished within the period prescribed by the rules, *i.e.*, up to the 5th November 1916, and should reach the Government of India on or before the 15th December 1916. Subsequent returns should show (1) the totals of the previous returns, (2) the additions to the returns during the quarter and (3) the totals up to date.

I have the honour to be,

SIR,

Your most obedient servant,

C. E. LOW,

Secretary to the Government of India.

No. 6805-W.-II.

A copy is forwarded to the Foreign and Political Department / Home Department, for information (and for consideration of the question whether Native States in political relations with the Government of India, the Local Governments and the Chief Commissioners of Central Provinces and Assam may be asked to take similar action), in continuation of this Department's endorsement No. 4598-W.II, dated the 17th June 1916 / 2200-W., dated the 27th April 1916.

(1) To Foreign and Political Department only.

By order, etc.,

G. S. HARDY,

Under Secretary to the Government of India.

C16CID—1,189—7-8-16—GCBP Simla

No. 6803-W.-II.

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATION.

COMMERCE AND TRADE.

Simla, the 5th August 1916.

In exercise of the powers conferred by Section 10 of the Enemy Trading Ordinance, 1916 (V of 1916), the Governor General in Council is pleased to make the following rules :—

Short title.

1. These rules may be called the Registration of Enemy Property Rules.

Definitions.

(1) In these rules, unless there is anything repugnant in the subject or context,—

(*a*) "Enemy" means any person, or company residing or carrying on business in the dominion of any State at war with His Majesty ;

(*b*) "Enemy Property" means any property, movable or immovable, belonging to, or managed or held whether in trust or otherwise for or on behalf of an enemy, and includes the right to transfer that property ;

(*c*) "Dividends, interest or share of profits" includes any of the following, namely :—

(*i*) Any dividends, bonus or interest in respect of any shares, stock, debentures, debenture stock or other obligations of any company.

(*ii*) Any interest in respect of any loan to a firm or person carrying on business for the purposes of that business, and any profits or share of profits of such a business.

(*iii*) Where a person is carrying on any business in British India on behalf of an enemy, any money which, had a state of war not existed, would have been transmissible by a person to the enemy by way of profits from that business.

(*iv*) Any money which, had a state of war not existed, would have been payable or paid in British India to enemies,

(1) in respect of interest on securities of or issued by or on behalf of the Government of India or His Majesty's Government or the Government of any of His Majesty's dominions or any foreign Government or of or issued by or on behalf of any company, or

(2) by way of payment off of any securities which have become repayable on maturity or by being drawn for payment or otherwise, being such securities as aforesaid.

(*d*) "Custodian" means the officer appointed as Custodian of enemy property under the Enemy Trading Act, 1915, for the province in which the person whose duty it is to make the return prescribed in these rules is residing or carrying on business. XIV of 1915.

(*e*) "Prescribed period" means three months from the date of this Notification.

(2) Words and expressions used in these rules shall, unless the contrary intention appears, have the same respective meanings as in the Enemy Trading Ordinance, 1916. V of 1916.

Classes of returns specified.

3. There shall be six classes of returns of enemy property, namely,

(1) Returns showing particulars of dividends, interest, or share of profits due to enemies.

(2) Returns showing particulars of property of enemies [other than property included in (3) (4) and (6)].

(3) Returns showing particulars of shares, stock, debentures, debenture stock or other obligations or any share of profits or interest belonging to or held whether in trust or otherwise for or on behalf of or by or due to enemies.

(4) Returns showing particulars of property held for safe custody on behalf of enemies.

(5) Returns showing particulars of income received from property already recorded with the Custodian in accordance with these rules and held for or on behalf of or in trust for enemies.

(6) Returns showing particulars of debts, bank deposits and bank balances due to or held for or on behalf of or in trust for enemies.

These returns shall respectively be in Form A, Form B, Form C, Form D, Form E and Form F of the forms given in the Schedule annexed to these rules.

Returns in Form A.

4. Every person, or company residing or carrying on business in British India by whom or which any money, if a state of war had not existed, would have been payable or paid to or for the benefit of an enemy by way of dividends, interest or share of profits shall, within the prescribed period, or if such money becomes payable after the expiry of that period, then within one month after it becomes payable, communicate to the Custodian full particulars of such money in Form A.

Returns in Forms B and D.

5. Save as otherwise provided in these rules, every person or company residing or carrying on business in British India who or which has in his or its possession or control any enemy property shall, within the prescribed period, or if the property comes into his or its possession or control after the expiry of that period, then within one month after the time when it comes thereinto, communicate to the Custodian full particulars of such property (*i*) in Form D in the case of property held for safe custody, and (*ii*) in Form B in the case of property held otherwise.

Returns in Form F.

6. The provisions of rule 5 shall also apply to balances and deposits standing to the credit of enemies at any bank, and to debts which are due or which, had a state of war not existed, would have been due to enemies, and such bank or debtor shall be bound to make the communication prescribed by that rule, save that particulars of such balances, deposits or debts shall be communicated in Form F.

Returns in Form C.

7. Every company incorporated in British India and every company which though not incorporated in British India has a share transfer or share registration office in British India shall, within the prescribed period, communicate to the Custodian in Form C full particulars of all shares, stock, debentures, debenture stock, or other obligations of the company which are enemy property, and the partners or partner or manager of every firm, carrying on business in British India one or more partners of which on the commencement of the war became enemies or to which money had been lent for the purposes of the business of the firm by a person who so became an enemy, shall, within the prescribed period, communicate to the Custodian in Form C full particulars as to any share of profits and interest due to such enemies or enemy.

Returns in Form E.

8. Where a return of any enemy property has been made to the Custodian in Form B or Form D, particulars of any income derived from such property during each quarter after the expiry of the prescribed period shall be communicated to the Custodian in Form E within one month of the expiry of that quarter; and if no income has been so derived since the date of the last return, the fact shall be reported to the Custodian in the same Form within the period aforesaid.

Changes of lien on property to be reported.

9. Where a return of any enemy property has been made to the Custodian in Form B, any change in respect of any lien on the property claimed by any person making the return shall also be reported to that officer in the same Form within one month after the change has occurred or has been effected.

Responsibility for making returns on behalf of companies or firms.

10. Every director, manager, secretary or officer of a company, and every partner of a firm to which the provisions of these rules apply shall be responsible for communicating to the Custodian the particulars prescribed.

Explanation.—In the case of payments specified in rule 2 (1) (*c*) (*iv*) (1), the duty of making the prescribed return shall rest with the person, firm or company through whom the payments in British India are made.

Registers of returns open to public inspection.

11. The Custodian shall record in a register or registers all property, returns whereof have been made to him under the foregoing rules, and such register or registers may be inspected by any person who, in the opinion of the Custodian, is interested as a creditor or otherwise.

Penalty for infringement of the rules.

12. Any person, who, under these rules is bound to perform any act and who fails to perform such act within such time as may be specified in the rules, shall, in the absence of reasonable excuse the burden of proving which shall lie upon such person, be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees or with both.

C. E. LOW,

Secretary to the Government of India.

1280C1D—1,220—7-8-16—GCBP Simla

SCHEDULE.

(RULE 3).

Ref. No. A._____

FORM A.

[*Rule 4.*]

From (*Name*) _____

(*Address*) _____

_____

(*Date*) _____

To

THE CUSTODIAN OF ENEMY PROPERTY,

_____

Return showing particulars of dividends, interest, or share of profits due to enemies.

[*N.B.*—For the purpose of this return "enemy" means any person or company residing or carrying on business in the dominion of any State at war with His Majesty.]

Full name of enemy to whom due. (Surname first.)	Full address.	Description of Dividends, Interest, or Share of Profits.	Period in respect of which Dividends, Interest, or Share of Profits are payable.	Amount.

To

THE CUSTODIAN OF ENEMY PROPERTY,

_____

FORM B.

[*Rules 5 and 9.*]

Ref. No. B._____

From (*Person by whom held*)

(*Name*)_____

(*Address*)_____

_____

Nature of Lien claimed (*if any*)_____

(*Date*)_____

Return showing particulars of property of enemies other than those to be returned in Forms C, D and F.

[*N.B.*—For the purpose of this return, "enemy" means any person or company residing or carrying on business in the dominion of any State at war with His Majesty.]

(Each item to be stated separately.)

Full Name of Person for whom held (surname first).	Full Address of Person for whom held.	IMMOVABLE PROPERTY.		MOVABLE PROPERTY.		
		Full description of any Landed Property held.	Approximate Capital value.	Full description of any Personal Property held.	Nominal Value.	Approximate Annual Income.
		Total or Carried forward £		Total or Carried forward £		

Ref. No. C_____

FORM C.

[*Rule 7.*]

To

THE CUSTODIAN OF ENEMY PROPERTY,

From (*Name*)_____

(*Address*)_____

_____

*Nature of Business*_____

*If a Company, issued Capital*_____

*Date*_____

Return showing particulars of shares, stock, debentures, debenture stock or other obligations, share of profits or interest belonging to or held whether in trust or otherwise for or on behalf of or by or due to enemies.

[*N. B.*—For the purpose of this return, "enemy" means any person or company residing or carrying on business in the dominion of any State at war with His Majesty.]

Name of Shareholder or Partner for whom held. (Surname first.)	Address of such person.	WHERE A COMPANY MAKES THE RETURN.		WHERE A PARTNER MAKES THE RETURN.		
		Description of Shares, Stock, Debentures or Debenture Stock held for each Enemy Shareholder, etc.	Nominal value of each holding.	Enemy Capital.	Interest or Share of Profits.	Period covered by Interest or Share of Profits.

Brought forward £

Ref. No. D_____

FORM D.

[*Rule 5.*]

FROM (*Name*)_____

(*Address*)_____

(*Description*)_____

*Date*_____

To

THE CUSTODIAN OF ENEMY PROPERTY,

Return showing particulars of property held for safe custody on behalf of enemies.

N. B.—(1) Where not known, the contents of sealed boxes, packages, etc., need not be ascertained.

(2) For the purpose of this return, "enemy" means any person or company residing or carrying on business in the dominion of any State at war with His Majesty.

Name of person for whom held.	Address.	Description of property held.	Estimated Value (if known).		
			£	*s.*	*d.*
		Total, or carried forward £ ...			

FORM E.

Ref. No. E._____

(QUARTERLY RETURN OF INCOME.)

[*Rule 8.*]

From (*Person by whom held*)

(*Name*)_____

(*Address*)_____

To

THE CUSTODIAN OF ENEMY PROPERTY,

_____

Nature of Lien claimed (*if any*)_____

(*Date*)_____

Return showing particulars of Income received from property already recorded with the Custodian and held for or on behalf of or in trust for enemies.

N. B.—(1) This form must not be returned by a company or firm in respect of dividends, coupons presented under license, interest or share of profits due to enemy shareholders or partners, in which cases Form A will apply.

(2) If no income has been received since date of previous return, the fact should be recorded and the order returned to the Custodian.

(3) The amount of any lien on the income recorded, or on the property from which it is derived, should be notified if this has not already been done.

(4) For the purpose of this return, "enemy" means any person or company residing or carrying on business in the dominion of any State at war with His Majesty.

(Each item to be stated separately.)

Full Name of Person for whom held (surname first).	Full address of Person for whom held.	IMMOVABLE PROPERTY.		MOVABLE PROPERTY.	
		Full description of any Landed property held in respect of which Income has been received.	Amount of Income received since date of last return.	Full description of any movable Property held in respect of which Income has been received.	Amount of Income received since date of last return.
		Total or Carried forward £		Total or Carried forward	

Ref. No. F. _____

10

Form F.

THE CUSTODIAN OF ENEMY PROPERTY,

[*Rule 6*].

From (*Person by whom held*)

(*Name*) _____ _____

(*Address*) _____

_____

Nature of Lien claimed (*if any*) _____

Date _____

Return showing particulars of Debts, Bank Deposits and Bank Balances due to, or held for or on behalf of, or in trust for enemies.

N. B.—(1) This form must not be returned by a company or firm in respect of enemy shareholders or partners, in which cases Form C will apply.

(2) For the purpose of this return, "enemy" means any person or company residing or carrying on business in the dominion of any State at war with His Majesty.

Full Name of Person to whom due, or for whom held (surname first).	Full Address of Person to whom due, or for whom held.	MOVABLE PROPERTY. (Each item to be stated separately.)						
		Nature of Debt, Deposit or Balance.	Amount. £	s.	d.	Amount and Particulars of Lien (if any). £	s.	d.
		Total, or carried forward £ ...						

Enclosure No. 1.

PUBLIC TRUSTEE'S MEMORANDUM.

Summary of the provisions of the Trading with the Enemy Amendment Acts, 1914-15, so far as they relate to the Public Trustee in his capacity of Custodian of enemy property for England and Wales.

In response to a suggestion that has come from several quarters, the Public Trustee has thought it desirable to set forth, as briefly and plainly as possible, the provisions of the Trading with the Enemy Amendment Acts, 1914-15, so far as they lay down the duties and obligations of persons resident or carrying on business in this country in respect of enemy property.

Preamble to 1914 Act.

1. It is important to realise precisely what an enemy is for the purposes of the Trading with the Enemy Amendment Acts and Proclamations. To decide whether a person is or is not an enemy, the question should be asked. "Where does he live?" If he lives in enemy territory, he is an enemy whatever his nationality may be. An unnaturalised German living in this country, even though interned, is not an enemy in the sense of the term here taken, and no returns to the Public Trustee are necessary in respect of his affairs.

Section 3 (1) of 1914 Act.

2. Any person resident or carrying on business in England and Wales who holds or manages any property belonging to an enemy, must make a return of the property so held or managed to the Public Trustee on the appropriate form. It does not matter in what capacity the holder of the property acts, *e.g.*, as trustee, nominee, agent, representative, holder in safe custody, carrier, etc.; it is he who is responsible for the making of the returns.

The official form used for making the return is Registration Order "D" for safe custody holdings, and Registration Order "B" for all other holdings.

The word "person" is to be taken to include "Company" for the purpose of this section (Section 2 (2) of the 1915 Act).

Enemy partners and enemy shareholders. Section 3 (2) of the 1914 Act.

3. Every partner of an enemy firm in which one or more partners is or are enemies, must make a return to the Public Trustee of the enemy capital invested in the firm; and every Limited Liability Company * must make a return to the Public Trustee of all shares held by enemies.

The official form required for making these returns is known as Registration Order "C."

Income due to enemies. Section 2 (1) of the 1914 Act, and Section 1 (1) of the 1915 Act.

4. The Trading with the Enemy Proclamation No. 2 (9th September 1914) forbids any person resident or carrying on business in this country to make any payment directly or indirectly to or for the benefit of an enemy. Hence, many payments which would have been made to enemies if there were no war, have not been made, or will not be made when they fall due. Of these unpaid sums it should be carefully noted that the following must be paid over to the Public Trustee:—

(*a*) Interest and dividends payable by Limited Liability Companies.

(*b*) Interest on securities issued by or on behalf of any Government, British or Foreign, or any Corporation or any Municipal or other authority whether within or without the United Kingdom.

(*c*) Profits due to enemy partners.

(*d*) Interest on loans made by enemies for the purposes of a trade or business.

The official form required for making the necessary return is known as Receivable Order "A."

Paid off Capital. Section 2 (1) of the 1915 Act.

5. Any sum which may become due to an enemy by way of payment off of any securities which have become repayable on maturity or by being drawn for payment or otherwise must also be paid over to the Public Trustee.

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* And every Company, not being a British Limited Liability Company, which has a Share Transfer Office in this country.

Method of paying over.

6. No cheques should be sent when the return is made to the Trading with the Enemy Department. Full instructions will be given by letter as to the way in which the amount is to be paid over.

Debts and bank balances. Section 2 (1) of the 1915 Act.

7. All bank balances and deposits held for enemies and all debts of 50*l.* or upwards due to enemies must be recorded with the Public Trustee.

The form for making a return of bank balances and debts is known as Registration Order "F."

Nominees.

8. The Public Trustee may give notice to any Company to pay over to him any dividends, etc., which, in default of such notice, would be payable to a person holding shares in the Company on behalf of an enemy person.

Coupons and Drawn Bonds.

9. The presentation for encashment of coupons attached to securities belonging to or held for enemy persons is forbidden by paragraph 5 (3) of the Trading with the Enemy Proclamation No. 2 (September 1914), but license will be granted on application to the Office of His Majesty's Parliamentary Counsel, Treasury, Whitehall, S. W., on certain conditions.

Briefly it may be said that the coupons attached to free securities must be paid over to the Public Trustee, while the licensee will be at liberty to present on his own account coupons attached to securities on which he has a lien.

Penalties.

10. It should be noted that very severe penalties are prescribed in the above Acts for neglect to make the necessary returns.

Claims of British creditors of enemy firms. Section 4 of the 1914 Act.

11. The Trading with the Enemy Amendment Act, 1914, institutes a method by which a British creditor of an enemy debtor may obtain satisfaction of his debt provided that his enemy debtor has assets in this country. The first thing to do is to ascertain whether, as a matter of fact, such assets (including debts) do exist, and this can be ascertained by applying to the Public Trustee for a Form of Search (X 19). When this is returned to the Trading with the Enemy Department, duly filled in, the records of the Department will be searched and any available information forwarded to the person making the enquiry.

Section 2 (3) of the 1915 Act.

Persons are entitled to make an enquiry who appear to the Public Trustee to be interested as a creditor or otherwise.

Application for a Vesting Order.

12. When the existence of enemy assets has thus been ascertained, the next step is to apply to the High Court by means of an originating summons to have the assets in question vested in the Public Trustee for the purpose of satisfying the debt. If the Court makes the order other creditors are duly advertised for, and then the Public Trustee, under the direction of the Court, proceeds in the distribution of the assets.

Territory in the occupation of the Enemy.

13. No returns have to be made to the Trading with the Enemy Department in respect of any of the above matters on behalf of persons resident or carrying on business in territory in hostile occupation, *i.e.*, the Trading with the Enemy Amendment *Acts* do not apply to a Belgian, but it should be most carefully noted that the Trading with the Enemy *Proclamations* do apply to persons resident in or carrying on business in territory in hostile occupation.

The Trading with the Enemy *Proclamations* also apply to firms or persons of enemy nationality resident or carrying on business in China, Siam, Persia or Morocco.

Enclosure No. 2.

THE PUBLIC TRUSTEE.

Trading with the Enemy Department.

FORM to be filled in by persons making an enquiry under Section V (4) for the purposes of Section IV (1) of the Trading with the Enemy Amendment Act, 1914.

Date.....

1. Name of person making enquiry ...	
Address of person making enquiry ...	
Business of person making enquiry...	
2. If not making enquiry on own behalf, state—	
(1) For whom you act ...	
(2) In what capacity you act ...	
(3) Address of person or firm for whom you act	
(4) Business of person or firm for whom you act	
3. Name of enemy Debtor	
Address of enemy Debtor ...	
Business of enemy Debtor ...	
What is the amount of the debt due by above enemy to you or the person or firm for whom you act ?	
4. How did the indebtedness arise ? ...	
5. For what purpose is this information desired by the inquirer or his Principal ?	

NOTE.—When it is wished to make an enquiry under similar circumstances in respect of several persons or firms, a Schedule of such persons or firms should be attached hereto, in place of completing (3) as above.

G.R.S. 28]

Legis. File No. 15-16.
Serial No. 1A

*Diary No. of letter replied to*_____

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT.
(Legislation)

Dated the 13th November 1916.

READ—

Date of issue 13th November 1916.

Signed by Mr. G. Sreenivasa Iyer

Home Secretary

ORDER THEREON.—No. J 1706. Encls-2.

Ordered that the accompanying Regn (The Enemy Trading (Emergency) Regulation, VII of 1916,

over.

SUBJECT.

which received the
assent of His Highness
the Maharaja on the
10th November 1916, be
published for general
information.

For Secretary to Govt
G.S.

To

The Compiler, Mysore Gazette
for publication in ~~the~~ Part III
~~extraordinary issue of~~
of the Mysore Gazette and
for supplying 100 spare
copies to this Office.
Proof should be sent to this Office
for approval.

GPB.—20,000—2-10-11

The Enemy Trading (Emérgency) Regulation.

REGULATION No. VI OF 1916.

(Received the assent of His Highness the Maharaja on the 10th day of November 1916.)

WHEREAS it is expedient to enforce in Mysore the provisions of the Enemy Trading Act, X of 1916, of British India; His Highness the Maharaja is pleased to enact, under Section 15 of the Mysore Legislative Council Regulation, 1907, as follows:—

1. The Enemy Trading Act, X of 1916, shall *mutatis mutandis* be enforced in Mysore as long as and to the same extent as the Act is in force in British India.

2. It shall apply to all subjects of the State whether resident in or out of Mysore, and to all persons resident within the State.

M. VISVESVARAYA,
Dewan of Mysore.

ACT No. X OF 1916.

An Act to prohibit or control trading by hostile foreigners and hostile firms and for other purposes.

WHEREAS it is expedient to take powers further to prohibit or control trading by hostile foreigners and hostile firms and for other purposes; It is hereby enacted as follows:—

Short title and duration.

1. (1) This Act may be called the Enemy Trading Act, 1916.

(2) It shall remain in force during the continuance of the present war, and for a period of six months thereafer.

Definitions.

2. In this Act—

"company" means any company, firm or association, or body of individuals whether incorporated or not;

"hostile foreigner" means a subject of a State for the time being at war with His Majesty, and includes any company constituted according to the laws of such State, and the ruler or Government of any such State; and

"hostile firm" means any of the following, namely: –

(*a*) any hostile foreigner who has, or at any date subsequent to the 3rd day of August, 1914, had, an office, agency or place of business in British India;

(*b*) any company of which any member or officer is a hostile foreigner, or of which a hostile foreigner was a member or officer on the 3rd day of August, 1914, and which has or has had since that date an office, agency or place of business in British India;

(*c*) any person, or company who or which has, at any time since the 3rd day of August, 1914, carried on business in British India, and whose business is, or was, in the opinion of the Governor General in Council, either by reason of its nature or of the persons who carry or carried it on, or for any other cause whatsoever, carried on either under the control whether direct or indirect of any hostile foreigner, or carried on wholly or mainly for the benefit of hostile foreigners generally, or any class of hostile foreigners or any individual hostile foreigner.

Power to appoint Inspectors.

3. (1) The Governor General in Council may, by general or special order, appoint Inspectors for the purpose of determining whether any business is or was carried on by a hostile firm within the meaning of this Act.

(2) The Inspector may summon before him any person whom he believes to be capable of giving information concerning the trade, dealings, affairs or property of such business, and of the antecedents and nationality of those by whom it is or was carried on or controlled.

(3) The Inspector may examine such person on oath concerning the same, and may reduce his answers to writing, and require him to sign them.

(4) The Inspector may require such person to produce any documents in his custody or power in any way relating to such business or to the persons by whom it is or was carried on or controlled.

(5) If any person so summoned refuses to come before the Inspector at the time appointed, the Inspector may cause him to be apprehended and brought before him for examination.

(6) If any person refuses to answer any question or to produce any document which under this section the Inspector is empowered to ask or require production of, such person shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Power to prohibit or restrict, or wind up hostile firms.

4. (1) The Governor General in Council may make an order either—

(*a*) prohibiting any hostile firm from carrying on business, except for the purposes and subject to the conditions, if any, specified in the order; or

(*b*) requiring the business of such firm to be wound up; and may in any case, where he has made an order prohibiting or limiting the carrying on of the business, at any time, if he thinks it expedient, substitute for that order an order requiring the business to be wound up.

(2) Every order made under sub-section (1) shall be published by notification in the *Gazette of India*.

(3) If any person contravenes the provisions of any order made under this section, he shall be punishable with imprisonment which may extend to one year, and shall also be liable to fine.

(4) An order made under this section shall continue in force, notwithstanding the termination of the present war, until determined by order of the Governor General in Counc

Winding up order.

5. (1) Where the Governor General in Council makes an order under this Act requiring a business to be wound up, the order shall, on notification in the *Gazette of India*, have effect as if it were a winding up order made by a Court under the Indian Companies Act, 1913, and the provisions of that Act relating to winding up by the Court and the rules made thereunder subject to such exceptions, restrictions, extensions, modifications and adaptations as the Governor General in Council may, by general or special order, prescribe, or such other rules as may be prescribed by him, shall apply to the winding up of the business:

Provided that, for the purposes of any winding up order under this Act, all powers exercisable by the Court under the said Indian Companies Act shall be exercisable by the Governor General in Council, or by such other authority as he may appoint either generally or specially in that behalf:

Provided also that the assets of the business and any money resulting from the realization of any part thereof shall be dealt with in accordance with such rules as the Governor General in Council may make in that behalf.

(2) Where an order has been made under this Act directing the winding up of the business of a hostile firm, the hostile firm shall not, nor shall any other person, commence or initiate, whilst that order remains in force, any other proceedings of a like nature or calculated in any way to interfere with the carrying out of such order.

Contracts or transfers against the public interest.

6. (1) Where it appears to the Governor General in Council that a contract entered into before or during the war, or a transfer of property, moveable or immoveable, made during the war, with or by a hostile foreigner or a hostile firm is injurious to the public interest, or was made with the object of evading any provision of the law, the Governor General in Council may by order cancel or determine such contract, either unconditionally or upon such conditions as he thinks fit, or declare such transfer to be void either in whole or in part, or may impose such conditions on the transferee as he thinks fit.

(2) The powers conferred by sub-section (1) in respect of transfers of property shall be exercisable also in respect of any subsequent transfer or sub-transfer which, in the opinion of the Governor General, is injurious to the public interest, or was made with the object of evading the law.

(3) On the making of an order under this section declaring any transfer or subsequent transfer or sub-transfer to be void, all property, the transfer of which is declared void by such order, shall, with effect from the date of the order, be deemed to be re-vested in the original transferor, or, if a winding up order has been made under section 4 (1) (*b*), in the liquidator.

Power of the Governor General in Council to vest property in Custodian under the Enemy Trading Act,, 1915.

7. (1) The Governor General in Council, in any case where it appears to him to be expedient to do so, may by order vest in any Custodian appointed under the Enemy Trading Act, 1915, any property, moveable or immoveable, belonging to, or deemed to be vested in, or managed or held whether in trust or otherwise, for, or on behalf of, a hostile foreigner, a hostile firm, or any person or company residing in, or carrying on business in the dominions of, a State at war with His Majesty, or the right to transfer that property, and may by any such order or any subsequent order confer on the Custodian such powers of selling, managing and otherwise dealing with the property as to the Governor General in Council may seem proper.

(2) A vesting order under this section shall, notwithstanding the provisions of any other law to the contrary, be sufficient to vest in the Custodian any property or the right to transfer any property as provided by the order without the necessity of any further document.

(3) Where, in the exercise of the powers conferred on him by the Governor General in Council, the Custodian proposes to sell any shares or stock forming part of the capital of any company or any securities issued by the company in respect of which a vesting order under this Act has been made, the company may, with the consent of the Governor General in Council, purchase the shares, stock or securities, notwithstanding anything to the contrary in any law or in any regulation of the company, and any shares, stock or securities so purchased may, from time to time, be re-issued by the company.

(4) The transfer by the Custodian of any property shall be conclusive evidence in favour of the transferee and of the Custodian that the requirements of this section have been complied with.

(5) All property vested in the Custodian under this section and the proceeds of the sale of, or money arising from, any such property, shall be dealt with by him in accordance with such directions as he may receive from the Governor General in Council ; and no such property or money shall be liable to be attached or otherwise taken in execution.

Validity of vesting orders.

8. Where a vesting order has been made under this Act as respects any property belonging to, or held or managed for, or on behalf of, a person who appeared to the Governor General in Council to be a person to whom the provisions of section 7 were applicable, the order shall not, nor shall any proceedings thereunder or in consequence thereof be invalidated or affected by reason only of such person having, prior to the date of the order, died or ceased to be a person to whom the said provisions were applicable, or subsequently dying or ceasing to be such a person or by reason of its being subsequently ascertained that he was not such a person, as the case may be.

Registration of transfer without production of certificates, etc.

9. Where the Custodian executes a transfer of any shares, stock or securities which he is empowered to transfer by a vesting order made under this Act, the company in whose books the shares, stock or securities are registered shall, upon the receipt of the transfer so executed by the Custodian, and upon being required by him so to do, register the shares, stock or securities in the name of the Custodian or other transferee, notwithstanding any regulation or stipulation of the company, and notwithstanding that the Custodian is not in possession of the certificate,, scrip or other document of title relating to the shares, stock or securities transferred ; but such registration shall be without prejudice to any lien or charge in favour of the company or to any other lien or charge of which the Custodian has express notice.

Power to make rules.

10. (1) The Governor General in Council may make rules for all or any of the following purposes, namely :—

(*a*) providing for the distribution or disposal of any assets, or any money resulting from the realization of any part thereof, of any business in respect of which a winding up order has been made under this Act ;

(*b*) prescribing that hostile foreigners and hostile firms or any class of hostile foreigners or hostile firms shall, when required by the Custodian, furnish to him such particulars as he may require of all or any moveable or immoveable property in their possession, or under their control whether direct or indirect ;

(*c*) requiring persons in British India to furnish to the Custodian such particulars as he may require of all or any class of debts or other property due by them to any person to whom the provisions of section 7 are or may be applicable ;

(*d*) prescribing the remuneration payable to the Custodian in respect of his duties under this Act, the fund from which it shall be paid, and the method of collecting the same ; and

(*e*) generally for carrying out the purposes of this Act.

(2) In making any rule under this section, the Governor-General in Council may direct that a breach of it shall be punishable with imprisonment which may extend to a term

not exceeding six months, or with fine which may extend to one-thousand rupees, or with both.

Certain licenses under the Hostile Foreigners (Trading) Order to be deemed to be orders issued under section 4 (1) (*a*).

11. Every license for the time being in force granted under the Hostile Foreigners (Trading) Order permitting the licensee to trade or carry on business subject to conditions or restrictions shall be deemed to be an order made under section 4 (1) (*a*), and this Act shall have effect accordingly.

Power to deal with non-trading companies.

12. (1) The Governor General in Council may, by notification in the Gazette of India, declare that the powers conferred by section 7 in regard to the property, moveable or immoveable, of the persons referred to therein shall extend to the property, moveable or immoveable, in British India, of any company specified in such notification of which any member is a hostile foreigner, or of which a hostile foreigner was a member or officer on the 3rd day of August, 1914, notwithstanding that such company is not a company trading in British India.

(2) On the publication of a notification under sub-section (1), the company shall be deemed to be a person referred to in section 7 of this Act, and this Act shall have effect accordingly.

Validation of past action.

13. Any act done after the 3rd day of August 1914 by, or under the orders of, any officer of Government in respect of the property, moveable or immoveable, of any hostile foreigner or hostile firm which, if this Act had been in force, could have been validly done in the exercise of the powers conferred thereby, or which could have been conferred thereunder, is hereby validated.

Repeal of Ordinance V. of 1916.

14. The Enemy Trading Ordinance, 1916, is hereby repealed.

(Sd.) A. P. MUDDIMAN,
Secretary to the Government of India.

~~2 Copies~~

G. R. S. 26]

764

Diary No. of letter replied to .....

Legislative File No.

Serial No. 2

No. Pol. 529/Hospitality

General and Revenue Secretariat

( )

, *the* 191 .

To

The F. A. Resident

in Mysore

Sir

I am directed to forward herewith 11 copies of Regulation No. VI of 1916 (The Enemy Trading (Emergency Regulation) which received the assent of His Highness the Maharaja on the 10th day of November 1916 and to request that 2 copies may be forwarded

over.

Date of issue 22nd Nov. 1916

Signed by G. A. Narasinga Rao

SUBJECT.

To His Highness the
Nizam's Government.

I have &c.

Sd/-

For Secy to Govt

G.D.

NDL
25-11-46.

List of enclosures

Eleven.

Copied by

Examined by

GPB—20,000—10-10-

2 drafts

Notification No. J 2097/Legis. 15-16-3

Dated, Bangalore the 13th Dec. 1916.

No. 6803-W.-II.

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATION.

COMMERCE AND TRADE.

~~*Simla, the 5th August, 1916.*~~

In exercise of the powers conferred by Section 10 of the Enemy Trading ~~Ordinance, 1916 (V of 1916)~~, ~~the Governor General in Council is pleased to make the following rules:—~~ Act, 1916 as introduced into Mysore by Regulation VI of 1916 the Government of His His Highness the Maharaja are pleased to make the following rules:—

Short title.

1. These rules may be called the Registration of Enemy Property Rules.

Signed by Mr. D. N. Narasingarao.

Definitions.

2. (1) In these rules, unless there is anything repugnant in the subject or context,—

(*a*) "Enemy" means any person, or company residing or carrying on business in the dominion of any State at war with His Majesty;

(*b*) "Enemy Property" means any property, movable or immovable, belonging to, or managed or held whether in trust or otherwise for or on behalf of an enemy, and includes the right to transfer that property;

(*c*) "Dividends, interest or share of profits" includes any of the following, namely:—

(*i*) Any dividends, bonus or interest in respect of any shares, stock, debentures, debenture stock or other obligations of any company.

(*ii*) Any interest in respect of any loan to a firm or person carrying on business for the purposes of that business, and any profits or share of profits of such a business.

(*iii*) Where a person is carrying on any business in ~~British India~~ Mysore on behalf of an enemy, any money which, had a state of war not existed, would have been transmissible by a person to the enemy by way of profits from that business.

(*iv*) Any money which, had a state of war not existed, would have been payable or paid in ~~British India~~ Mysore to enemies,

(1) in respect of interest on securities of or issued by or on behalf of the Government of India or His Majesty's Government or the Government of any of His Majesty's dominions or any foreign Government or of or issued by or on behalf of any company, or the Govt. of His Highness the Maharaja or

(2) by way of payment off of any securities which have become repayable on maturity or by being drawn for payment or otherwise, being such securities as aforesaid.

(*d*) "Custodian" means ~~the officer appointed as Custodian of enemy property under the Enemy Trading Act, 1915, for the province in which the person whose duty it is to make the return prescribed in these rules is residing or carrying on business.~~ the Revenue Commissioner in Mysore XIV of 1915.

(*e*) "Prescribed period" means three months from the date of this Notification.

(2) Words and expressions used in these rules shall, unless the contrary intention appears, have the same respective meanings as in the Enemy Trading ~~Ordinance, 1916~~. Act, 1916 introduced into Mysore by Regulation V of 1916. VI of 1916.

Classes of returns specified.

3. There shall be six classes of returns of enemy property, namely,

(1) Returns showing particulars of dividends, interest, or share of profits due to enemies.

(2) Returns showing particulars of property of enemies [other than property included in (3) (4) and (6)].

(3) Returns showing particulars of shares, stock, debentures, debenture stock or other obligations or any share of profits or interest belonging to or held whether in trust or otherwise for or on behalf of or by or due to enemies.

(4) Returns showing particulars of property held for safe custody on behalf of enemies.

(5) Returns showing particulars of income received from property already recorded with the Custodian in accordance with these rules and held for or on behalf of or in trust for enemies.

(6) Returns showing particulars of debts, bank deposits and bank balances due to or held for or on behalf of or in trust for enemies.

These returns shall respectively be in Form A, Form B, Form C, Form D, Form E and Form F of the forms given in the Schedule annexed to these rules.

Returns in Form A.

4. Every person, or company residing or carrying on business in ~~British~~ Mysore ~~India~~ by whom or which any money, if a state of war had not existed, would have been payable or paid to or for the benefit of an enemy by way of dividends, interest or share of profits shall, within the prescribed period, or if such money becomes payable after the expiry of that period, then within one month after it becomes payable, communicate to the Custodian full particulars of such money in Form A.

Returns in Forms B and D.

5. Save as otherwise provided in these rules, every person or company residing or carrying on business in ~~British~~ Mysore ~~India~~ who or which has in his or its possession or control any enemy property shall, within the prescribed period, or if the property comes into his or its possession or control after the expiry of that period, then within one month after the time when it comes thereinto, communicate to the Custodian full particulars of such property (*i*) in Form D in the case of property held for safe custody, and (*ii*) in Form B in the case of property held otherwise.

Returns in Form F.

6. The provisions of rule 5 shall also apply to balances and deposits standing to the credit of enemies at any bank, and to debts which are due or which, had a state of war not existed, would have been due to enemies, and such bank or debtor shall be bound to make the communication prescribed by that rule, save that particulars of such balances, deposits or debts shall be communicated in Form F.

Returns in Form C.

7. Every company incorporated in ~~British India~~ Mysore and every company which though not incorporated in ~~British India~~ Mysore has a share transfer or share registration office in ~~British India~~ Mysore shall, within the prescribed period, communicate to the Custodian in Form C full particulars of all shares, stock, debentures, debenture stock, or other obligations of the company which are enemy property, and the partners or partner or manager of every firm, carrying on business in ~~British India~~ Mysore one or more partners of which on the commencement of the war became enemies or to which money had been lent for the purposes of the business of the firm by a person who so became an enemy, shall, within the prescribed period, communicate to the Custodian in Form C full particulars as to any share of profits and interest due to such enemies or enemy.

Returns in Form E.

8. Where a return of any enemy property has been made to the Custodian in Form B or Form D, particulars of any income derived from such property during each quarter after the expiry of the prescribed period shall be communicated to the Custodian in Form E within one month of the expiry of that quarter; and if no income has been so derived since the date of the last return, the fact shall be reported to the Custodian in the same Form within the period aforesaid.

Changes of lien on property to be reported.

9. Where a return of any enemy property has been made to the Custodian in Form B, any change in respect of any lien on the property claimed by any person making the return shall also be reported to that officer in the same Form within one month after the change has occurred or has been effected.

Responsibility for making returns on behalf of companies or firms.

10. Every director, manager, secretary or officer of a company, and every partner of a firm to which the provisions of these rules apply shall be responsible for communicating to the Custodian the particulars prescribed.

Explanation.—In the case of payments specified in rule 2 (1) (c) (*iv*) (1), the duty of making the prescribed return shall rest with the person, firm or company through whom the payments in ~~British India~~ are made. Mysore

Registers of returns open to public inspection.

11. The Custodian shall record in a register or registers all property, returns whereof have been made to him under the foregoing rules, and such register or registers may be inspected by any person who, in the opinion of the Custodian, is interested as a creditor or otherwise.

Penalty for infringement of the rules.

12. Any person, who, under these rules is bound to perform any act and who fails to perform such act within such time as may be specified in the rules, shall, in the absence of reasonable excuse the burden of proving which shall lie upon such person, be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees or with both.

~~C. E. LOW,~~
~~Secretary to the Government of India.~~

I am
12/12/16

GB
12/12

To Secretary to Govt
General Department.

[Here print the accompanying Schedule also.]

To

The Compiler, Mysore Gazette, for publication in Part-III of the Gazette in English and Kannada and for supplying 200 spare copies in English and 100 in Kannada to this Office. Proof should be sent to this Office for approval.

1280CID—1,226—7-8-16—GCBP Simla.

Bg Hegde to kindly compare personally Batliboi's translation that this is free from errors & omissions. Done
13/12

Seen
GB
13/12

SCHEDULE.

(RULE 3).

Ref. No. A._____

FORM A.

[*Rule 4.*]

From (*Name*) _____

(*Address*) _____

_____

(*Date*) _____

THE CUSTODIAN OF ENEMY PROPERTY,

_____

Return showing particulars of dividends, interest, or share of profits due to enemies.

[*N.B.*—For the purpose of this return "enemy" means any person or company residing or carrying on business in the dominion of any State at war with His Majesty.]

Full name of enemy to whom due. (Surname first.)	Full address.	Description of Dividends, Interest, or Share of Profits.	Period in respect of which Dividends, Interest, or Share of Profits are payable.	Amount.

To

THE CUSTODIAN OF ENEMY PROPERTY,

_____.

FORM B.

[*Rules 5 and 9.*]

Ref. No. B._____

From (*Person by whom held*)

(*Name*)_____

(*Address*)_____

_____

Nature of Lien claimed (*if any*)_____

(*Date*)_____

Return showing particulars of property of enemies other than those to be returned in Forms C, D and F.

[*N.B.*—For the purpose of this return, "enemy" means any person or company residing or carrying on business in the dominion of any State at war with His Majesty.]

Full Name of Person for whom held (surname first).	Full Address of Person for whom held.	(Each item to be stated separately.) IMMOVABLE PROPERTY.		MOVABLE PROPERTY.		
		Full description of any Landed Property held.	Approximate Capital value.	Full description of any Personal Property held.	Nominal Value.	Approximate Annual Income.
		Total or Carried forward £		Total or Carried forward £		

Ref. No. C

FORM C.
Rule 7.]

From (*Name*)_____

(*Address*)_____

_____

*Nature of Business*_____

*If a Company, issued Capital*_____

*Date*_____

To

THE CUSTODIAN OF ENEMY PROPERTY,

Return showing particulars of shares, stock, debentures, debenture stock or other obligations, share of profits or interest belonging to or held whether in trust or otherwise for or on behalf of or by or due to enemies.

[*N. B.*—For the purpose of this return, "enemy" means any person or company residing or carrying on business in the dominion of any State at war with His Majesty.]

Name of Shareholder or Partner for whom held. (Surname first.)	Address of such person.	WHERE A COMPANY MAKES THE RETURN.		WHERE A PARTNER MAKES THE RETURN.		
		Description of Shares, Stock, Debentures or Debenture Stock held for each Enemy Shareholder, etc.	Nominal value of each holding.	Enemy Capital.	Interest or Share of Profits.	Period covered by Interest or Share of Profits.

Ref. No. D_____

FORM D.

[*Rule 5.*]

FROM (*Name*)_____

(*Address*)_____

(*Description*)_____

*Date*_____

To

THE CUSTODIAN OF ENEMY PROPERTY,

Return showing particulars of property held for safe custody on behalf of enemies.

N. B.—(1) Where not known, the contents of sealed boxes, packages, etc., need not be ascertained.

(2) For the purpose of this return, "enemy" means any person or company residing or carrying on business in the dominion of any State at war with His Majesty.

Name of person for whom held.	Address.		Description of property held.	Estimated Value (if known).		
				£	*s.*	*d.*

Total, or carried forward £

FORM E.

Ref. No. E. _____

(QUARTERLY RETURN OF INCOME.)

[*Rule* 8.]

From (*Person by whom held*)

(*Name*) _____

(*Address*) _____

_____

Nature of Lien claimed (*if any*) _____

(*Date*) _____

To

THE CUSTODIAN OF ENEMY PROPERTY,

_____

Return showing particulars of Income received from property already recorded with the Custodian and held for or on behalf of or in trust for enemies.

N. B.—(1) This form must not be returned by a company or firm in respect of dividends, coupons presented under license, interest or share of profits due to enemy shareholders or partners, in which cases Form A will apply.

(2) If no income has been received since date of previous return, the fact should be recorded and the order returned to the Custodian.

(3) The amount of any lien on the income recorded, or on the property from which it is derived, should be notified if this has not already been done.

(4) For the purpose of this return, "enemy" means any person or company residing or carrying on business in the dominion of any State at war with His Majesty.

(Each item to be stated separately.)

Full Name of Person for whom held (surname first).	Full address of Person for whom held.	IMMOVABLE PROPERTY.		MOVABLE PROPERTY.	
		Full description of any Landed property held in respect of which Income has been received.	Amount of Income received since date of last return.	Full description of any movable Property held in respect of which Income has been received.	Amount of Income received since date of last return.
		Total or Carried forward £		Total or Carried forward	

Ref. No. F. _____

To

THE CUSTODIAN OF ENEMY PROPERTY,

_____

From F.

[*Rule 6*].

From (*Person by whom held*)

(*Name*) _____

(*Address*) _____

_____

Nature of Lien claimed (*if any*) _____

Date _____

Return showing particulars of Debts, Bank Deposits and Bank Balances due to, or held for or on behalf of, or in trust for enemies.

N. B.—(1) This form must not be returned by a company or firm in respect of enemy shareholders or partners, in which cases Form C will apply.

(2) For the purpose of this return, "enemy" means any person or company residing or carrying on business in the dominion of any State at war with His Majesty.

Full Name of Person to whom due, or for whom held (surname first).	Full Address of Person to whom due, or for whom held.	MOVABLE PROPERTY. (Each item to be stated separately.)						
		Nature of Debt, Deposit or Balance.	Amount.			Amount and Particulars of Lien (if any).		
			£	*s.*	*d.*	£	*s.*	*d.*
		Total, or carried forward £ ...						

NOTIFICATION.

No. J. 2097—Legis. 15-16-3, dated 13th December 1916.

In exercise of the powers conferred by Section 10 of the Enemy Trading Act, 1916 (X of 1916), as introduced into Mysore by Regulation VI of 1916, the Government of His Highness the Maharaja are pleased to make the following rules :—

Short title.

1. These rules may be called the Registration of Enemy Property Rules.

Definitions.

2. (1) In these rules, unless there is anything repugnant in the subject or context,—

(*a*) "Enemy" means any person, or company residing or carrying on business in the dominion of any State at war with His Majesty;

(*b*) "Enemy Property" means any property, movable or immovable, belonging to, or managed or held whether in trust or otherwise for or on behalf of an enemy, and includes the right to transfer that property;

(*c*) "Dividends, interest or share of profits" includes any of the following, namely :—

(*i*) Any dividends, bonus or interest in respect of any shares, stock, debentures, debenture stock or other obligations of any company.

(*ii*) Any interest in respect of any loan to a firm or person carrying on business for the purposes of that business, and any profits or share of profits of such a business.

(*iii*) Where a person is carrying on any business in Mysore on behalf of an enemy, any money which, had a state of war not existed, would have been transmissible by a person to the enemy by way of profits from that business.

(*iv*) Any money which, had a state of war not existed, would have been payable or paid in Mysore to enemies,

(1) in respect of interest on securities of or issued by or on behalf of the Government of His Highness the Maharaja or the Government of India or His Majesty's Government or the Government of any of His Majesty's dominions or any foreign Government or of or issued by or on behalf of any company, or

(2) by way of payment off of any securities which have become repayable on maturity or by being drawn for payment or otherwise, being such securities as aforesaid.

(*d*) "Custodian" means the Revenue Commissioner in Mysore.

(*e*) "Prescribed period" means three months from the date of this Notification.

(2) Words and expressions used in these rules shall, unless the contrary intention appears, have the same respective meanings as in the Enemy Trading Act, 1916, introduced into Mysore by Regulation VI of 1916.

Classes of returns specified.

3. There shall be six classes of returns of enemy property, namely,

(1) Returns showing particulars of dividends, interest, or share of profits due to enemies.

(2) Returns showing particulars of property of enemies [other than property included in (3) (4) and (6)].

(3) Returns showing particulars of shares, stock, debentures, debenture stock or other obligations or any share of profits or interest belonging to

or held whether in trust or otherwise for or on behalf of or by or due to enemies.

(4) Returns showing particulars of property held for safe custody on behalf of enemies.

(5) Returns showing particulars of income received from property already recorded with the Custodian in accordance with these rules and held for or on behalf of or in trust for enemies.

(6) Returns showing particulars of debts, bank deposits and bank balances due to or held for or on behalf of or in trust for enemies.

These returns shall respectively be in Form A, Form B, Form C, Form D, Form E and Form F of the forms given in the Schedule annexed to these rules.

Returns in Form A.

4. Every person, or company residing or carrying on business in Mysore by whom or which any money, if a state of war had not existed, would have been payable or paid to or for the benefit of an enemy by way of dividends, interest or share of profits shall, within the prescribed period, or if such money becomes payable after the expiry of that period, then within one month after it becomes payable, communicate to the Custodian full particulars of such money in Form A.

Returns in Forms B. and D.

5. Save as otherwise provided in these rules, every person or company residing or carrying on business in Mysore, who or which has in his or its possession or control any enemy property shall, within the prescribed period, or if the property comes into his or its possession or control after the expiry of that period, then within one month after the time when it comes thereinto, communicate to the Custodian full particulars of such property (*i*) in Form D in the case of property held for safe custody, and (*ii*) in Form B in the case of property held otherwise.

Returns in Form F.

6. The provisions of Rule 5 shall also apply to balances and deposits standing to the credit of enemies at any bank, and to debts which are due or which, had a state of war not existed, would have been due to enemies, and such bank or debtor shall be bound to make the communication prescribed by that rule, save that particulars of such balances, deposits or debts shall be communicated in Form F.

Returns in Form C.

7. Every company incorporated in Mysore and every company which though not incorporated in Mysore has a share transfer or share registration office in Mysore shall, within the prescribed period, communicate to the Custodian in Form C full particulars of all shares, stock, debentures, debenture stock, or other obligations of the company which are enemy property, and the partners or partner or manager of every firm, carrying on business in Mysore one or more partners of which on the commencement of the war became enemies or to which money had been lent for the purposes of the business of the firm by a person who so became an enemy, shall, within the prescribed period, communicate to the Custodian in Form C full particulars as to any share of profits and interest due to such enemies or enemy.

Returns in Form E.

8. Where a return of any enemy property has been made to the Custodian in Form B or Form D, particulars of any income derived from such property during each quarter after the expiry of the prescribed period shall be communicated to the Custodian in Form E within one month of the expiry of that quarter; and if no income has been so derived since the date of the last return, the fact shall be reported to the Custodian in the same Form within the period aforesaid.

Changes of lien on property to be reported.

9. Where a return of any enemy property has been made to the Custodian in Form B, any change in respect of any lien on the property claimed by any person making the return shall also be reported to that officer in the same Form within one month after the change has occurred or has been effected.

10. Every director, manager, secretary or officer of a company, and every partner of a firm to which the provisions of these rules apply shall be responsible for communicating to the Custodian the particulars prescribed.

Responsibility for making returns on behalf of companies or firms.

Explanation.—In the case of payments specified in Rule 2 (1) (*c*) (*iv*) (1), the duty of making the prescribed return shall rest with the person, firm or company through whom the payments in Mysore are made.

11. The Custodian shall record in a register or registers all property, returns whereof have been made to him under the foregoing rules, and such register or registers may be inspected by any person who, in the opinion of the Custodian, is interested as a creditor or otherwise.

Registers of returns open to public inspection.

12. Any person, who, under these rules is bound to perform any act and who fails to perform such act within such time as may be specified in the rules, shall, in the absence of reasonable execuse the burden of proving which shall lie upon such person, be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees or with both.

Penalty for infringement of the rules.

By Order,
D. M. NARASINGA RAO,
Secretary to Government,
General Department.

SCHEDULE.

[*Rule 3.*]

FORM A.

Ref. No. A._____

[*Rule 4.*]

From (*Name*)_____

To

(*Address*)_____

The Custodian of Enemy Property,

_____

_____

(*Date*)_____

Return showing particulars of dividends, interest, or share of profits due to enemies.

[*N.B.*—For the purpose of this return "enemy" means any person or company residing or carrying on business in the dominion of any State at war with His Majesty.]

Full name of enemy to whom due. (Surname first.)	Full address.	Description of Dividends, Interest, or Share of Profits.	Period in respect of which Dividends, Interest, or Share of Profits are payable.	Amount.		
				£.	s.	

FORM B.

[*Rules 5 and 9.*]

To

The Custodian of Enemy Property,

Ref. No. B.

From (*Person by whom held*)

(*Name*)

(*Address*)

Nature of Lien claimed if any

Date

Return showing particulars of property of enemies other than those to be returned in Forms C, D and F.

[*N.B.*—For the purpose of this return, "enemy" means any person or company residing or carrying on business in the dominion of any State at war with His Majesty.]

Full name of Person for whom held (surname first).	Full address of Person for whom held.	(Each item to be stated separately.) Immovable property.		Movable property.		
		Full description of any Landed Property held.	Approximate Capital value.	Full description of any Personal Property held.	Nominal value.	Approximate Annual Income.
		Total or Carried forward £		Total or Carried forward £		

FORM C.

Ref. No. C.

[*Rule 7.*]

To

The Custodian of Enemy Property,

From (*Name*)

(*Address*)

Nature of Business

If a Company issued Capital

Date

Return showing particulars of shares, stock, debentures, debenture stock or other obligations, share of profits, or interest belonging to or held whether in trust or otherwise for or on behalf of or by or due to enemies.

[*N.B.*—For the purpose of this return, "enemy" means any person or company residing or carrying on business in the dominion of any State at war with His Majesty.]

Names of Shareholder or Partner for whom held. (Surname first.)	Address of such person.	Where a Company makes the Return.				Where a Partner makes the Return.						
		Description of Shares, Stock, Debentures or Debenture Stock held for each Enemy Shareholder, etc.	Nominal value of each holding.			Enemy Capital.			Interest or Share of Profits.			Period covered by Interest or Share of Profits.
		Brought forward £.	£.	s.	d.	£	s.	d.	£.	s.	d.	

FORM D. ef. No. D _____

[*Rule 5.*]

To Form (*Name*)_____

CUSTODIAN OF ENEMY PROPERTY, (*Address*)_____

_____ _____

(*Description*)_____

Date _____

Return showing particulars of property held for safe custody on behalf of enemies.

N.B.—(1) Where not known, the contents of sealed boxes, packages, etc., need not be ascertained.

(2) For the purpose of this return, "enemy" means any person or company residing or carrying on business in the dominion of any State at war with His Majesty.

Name of person for whom held	Address	Description of property held	Estimated Value (if known)		
			£	*s.*	*d.*
		Total, or carried forward £ ...			

FORM E. Ref. No. E._____

(QUARTERLY RETURN OF INCOME.)

[*Rule 8.*]

From (*Person by whom held*)

To (*Name*)_____

THE CUSTODIAN OF ENEMY PROPERTY, (*Address*)_____

_____ _____

*Nature of Lien claimed (if any)*_____

(*Date*)_____

Return showing particulars of income received from property already recorded with the Custodian and held for or on behalf of or in trust for enemies.

N.B.—(1) This form must not be returned by a company or firm in respect of dividends, coupons presented under license, interest or share of profits due to enemy shareholders or partners, in which cases Form A will apply.

(2) If no income has been received since date of previous return, the fact should be recorded and the order returned to the Custodian.

(3) The amount of any lien on the income recorded, or on the property from which it is derived, should be notified if this has not already been done.

(4) For the purpose of the return, "enemy" means any person or company residing or carrying on business in the dominion of any State at war with His Majesty.

Full name of person for whom held (surname first)	Full address of person for whom held	(Each item to be stated separately)			
		Immovable property		Movable property	
		Full description of any landed property held in respect of which income has been received	Amount of income received since date of last return	Full description of any movable property held in respect of which income has been received	Amount of income received since date of last return
		Total or Carried forward £		Total or Carried forward £	

Form F. Ref. No. F.——

[*Rule 6*].

To

The Custodian of Enemy Property,

From (*Person by whom held*)

(*Name*)—

(*Address*)

Nature of Lien claimed (if any)—

Date——

Return showing particulars of Debts, Bank Deposits and Bank Balances due to, or held for or on behalf of, or in trust for enemies.

N. B.—(1) This form must not be returned by a company or firm in respect of enemy shareholders or partners, in which cases Form C will apply.

(2) For the purpose of this return "enemy" means any person or company residing or carrying on business in the dominion of any State at war with His Majesty.

Full name of person to whom due, or for whom held (surname first)	Full address of person to whom due, or for whom held	Movable property (Each item to be stated separately.)					
		Nature of Debt, deposit or balance	Amount			Amount and particulars of Lien (if any)	
			£.	s.	d.	£.	s. d.
		Total, or carried forward					

GEN. & REV. SECRETARIAT. 32 TYPING Sec. 26 JAN 1917

G. R. S.

2 drafts

Legis File No. 15-16
Serial No. 4

Diary No. of letter replied to .....

No. J 2487 dt. 10-1-17
Encls: 41.

General and Revenue Secretariat
( )
, the 191 .

To
The Revenue Commr
in Mysore, Bangalore

Date of issue 10th January 1917

Sir

Signed by Jno. L. Sullivan Esq

I am directed to invite your attention to the marginally noted Notification and the Regulation about the custody of Enemy Property and your being appointed the Custodian of Enemy Property in Mysore and to forward herewith for your

over.

No. G. 576-G.M.517-15-4 dated 13th July 1916
Regn. VI of 1916 (The Enemy Trading (Emergency) Regn.)
Notn. No. J 2097-Legis 15-16-3 dated 13th Dec: 1916.

JECT.

3 8/1

and guidance
information 20 copies of
Regn. ~~VI~~ of 1916 and
~~bearing~~ No. 2097 - ~~Legis 15-16-3~~
dated 13th Dec: 1916
~~(The Registration issuing~~ and
the rules thereunder and
also one copy of the
Govt. of India (Dept. of
Commerce & Industry)
circular letter No 6804-W-II
dated 7th Aug: 1916
with its enclosures
I have &c.

For Secretary to Govt.
E.S.

NPL
8-1-17

List of enclosures

Copied by

Examined by

GPB—20,000—10-10-14

2 drafts

G. R. S. 26]

Legis File No. 15-16
Serial No. 5.

Diary No. of letter replied to .....

No. Pol. 689/8-10-1-17

General and Revenue Secretariat
( )
, *the* 191 ..

To
The F. A. Resident
in Mysore, Bangalore

Date of issue 10-12-1917

Signed by H. G. M. Narasimhaiya

Sir

With reference to your letter No 6140 dated 30th Aug: 1916 forwarding for similar action here the Govt of India (Dept of commerce and Industries) cir. letter No 6802, -W-II dated 7th August 1916 with its enclosures, I am directed to forward herewith for your information

over.

SUBJECT.

9 copies of the Registration of Enemy Property Rules issued with Govt. No. 2097-Legis 15-16-3 dated 13th Dec: 1916 and based on the Govt. of India rules on the matter 8 spare copies of the Regn. VI of 1916 under which these rules are issued were sent to you with my letter No Pol. 529 dated 27th Nov. 1916.

I have &c

for Secretary to Govt

G. D.

8-1-17

List of enclosures

Nine copies.

WW

10/1/17

Copied by

Examined by

GPB—20,000—10-10-14

GEN. & REV. SECRETARIAT / TYPING Sec. 15 MAR 1917

G. R. S. 36]

File No. 15-16
Serial No. 6

Diary No. of letter replied to .....

No. Pol. 946/Ea 2
8.15-3-17

To The F. A. Resident in Myore

General and Revenue Secretariat
( )
, the 191 .

Sir I am directed to
My dear Mr Cobb

I enclose herewith
copy of the Enemy Trading
Bill. The Statement
of Objects and reasons
explains clearly the scope
of the measure.

The Bill will be placed
before the Legislative Council
on the 20th instant.

Yours sincerely

Dated 13/3

14.3.17. Secretary to Govt.

Date of issue 15-3-1917

Signed by

This may serve from the Sub to the F.A.R. 14.3.17 KD

over E.D.

SUBJECT. Es 13/3

To The Hon'ble H. V. Cobb Esq^r
M.A., I.C.S., C.S.I., C.I.E.

KD 13.3.17

15/3/17

Draft

The Enemy Trading (Emergency) Regulation, No VI of 1916

(Received the assent of His Highness the Maharaja on the 10th day of November 1916.)

Whereas it is expedient to enforce in Mysore the provisions of the Enemy Trading Act, X of 1916, of British India; His Highness the Maharaja is pleased to enact, under section 15 of the Mysore Legislative Council Regulation, 1907, as follows:-

1. The Enemy Trading Act, X of 1916, ~~of British India~~, shall mutatis mutandis be enforced in Mysore as long as and to the same extent as, the Act is in force in British India.

2. It shall apply to all subjects of the State

whether resident in
or out of Mysore
and to all persons
resident within the
State

M. Visvesvaraya
Dewan of Mysore

29/9/16

Drey

[Here print the "Enemy
Trading Act, X of 1916"
entire.]

GEN. & REV. SECRETARIAT.
TYPING Sec.
13 MAR 1917

Statement of Objects and reasons

In order to further prohibit and control trading by hostile foreigners and hostile firms the Government of India passed the Enemy Trading Act 1916, in September 1916. ~~This Act~~ The provisions of this Act were applied mutatis mutandis by the Enemy Trading (Emergency) Regulation, VI of 1916, as an emergency measure under sec: 15 of the Mysore Legislative Council Regulation, 1907. ~~As~~ under that sec: ~~the~~ Regulation will be in force only upto ~~15~~ 2-1917 and it is necessary to continue it in force here so long as the Enemy Trading Act is in force in British India this Bill is now framed

No. 2369

DIARY No. 2108

10/6-1917
SECTION Legi
FILE No. 15-16
SERIAL No. 6A

FROM

MAJOR T. H. ST. GEORGE-TUCKER,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Secretary to the Government of
H. H. the Maharaja of Mysore,
General Department.

GEN. & REVENUE SECRETARIAT
JUDICIAL
28 MAR 1917

Dated Bangalore, 29th March 1917.

SIR,

With reference to your letter No. 946 Pol,, dated the 15th March 1917, forwarding a copy of the Enemy Trading Bill, I am directed to say that the Resident has no objection to the Bill being laid before the Legislative Council.

I have the honour to be,
Sir,
Your most obedient servant,

T. H. St. George Tucker.

First Assistant Resident.

R. O. 2—R. P. B.—1—1917.—1,000.

G.R.S. VI-71]

SUBJECT.....

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Diary No. of letter replied to.....

Legis Section 15-16
File No.
Serial No. 7

General and Revenue Secretariat
( )
, *the* 191

Proceedings of the Government of
His Highness the Maharaja of Mysore.

Date of issue..... 9/4/17

Read.—

Signed by..... Mr. G. Srinivasa Iyer

May this be

i printed?

ii treated as a standing order?

iii published in the Gazette English part?

iv translated?

v placed at the disposal of the Press?

vi published in the Gazette Kannada part?

Order Thereon:— No. 360 Legis

Ordered that the accompanying Regulation (The Enemy Trading Regn.)

over.

Which received the assent of His Highness the Maharaja on the 5th day of April, 1917, be published in the Mysore Gazette dated 12th April 1917 for general information as Regn. II of 1917.

Sd/-
for Secretary to Govt.
E. D.

To The Compiler, Mysore Gazette for publication in Part-III of the Gazette in English and in Kannada and to supply 200 spare copies in English and 200 in Kannada to this Office and 100 in Engish and 25 in Kannada to the Curator, Govt. Central Book Depot, Bangalore.

Proof should be sent to this Office for approval before publication.

KR
9-4-17.

List of enclosures.

Copied by

Examined by

by

REGULATION No. II OF 1917.

The Enemy Trading Regulation.

(*Received the assent of His Highness the Maharaja on the 5th day of April 1917.*)

Whereas it is expedient to enforce in Mysore the provisions of the Enemy Trading Act, X of 1916, of British India ; His Highness the Maharaja is pleased to enact as follows:—

1. The Enemy Trading Act, X of 1916, shall *mutatis mutandis* be enforced in Mysore as long as and to the same extent as the Act is in force in British India.

2. It shall apply to all subjects of the State whether resident in or out of Mysore, and to all persons resident within the State.

3. The Enemy Trading (Emergency) Regulation, 1916, is hereby repealed.

M. VISVESVARAYA,
Dewan.

ACT No. X OF 1916.

An Act to prohibit or control trading by hostile foreigners and hostile firms and for other purposes.

Whereas it is expedient to take powers further to prohibit or control trading by hostile foreigners and hostile firms and for other purposes; It is hereby enacted as follows:—

Short title and duration.

1. (1) This Act may be called the Enemy Trading Act, 1916.

(2) It shall remain in force during the continuance of the present war, and for a period of six months thereafter.

Definitions.

2. In this Act—

"company" means any company, firm or association, or body of individuals whether incorporated or not ;

"hostile foreigner" means a subject of a State for the time being at war with His Majesty, and includes any company constituted according to the laws of such State, and the ruler or Government of any such State ; and

"hostile firm" means any of the following, namely :—

(*a*) any hostile foreigner who has, or at any date subsequent to the 3rd day of August, 1914, had, an office, agency or place of business in British India ;

(*b*) any company of which any member or officer is a hostile foreigner, or of which a hostile foreigner was a member or officer on the 3rd day of August, 1914, and which has or has had since that date an office, agency or place of business in British India ;

(*c*) any person, or company who or which has, at any time since the 3rd day of August, 1914, carried on business in British India, and whose business is, or was, in the opinion of the Governor General in Council, either by reason of its nature or of the persons who carry or carried it on, or for any other cause whatsoever, carried on either under the control whether direct or indirect of any hostile foreigner, or carried on wholly or mainly for the benefit of hostile foreigners generally, or any class of hostile foreigners or any individual hostile foreigner.

Power to appoint Inspectors.

3. (1) The Governor General in Council may, by general or special order, appoint Inspectors for the purpose of determining whether any business is or was carried on by a hostile firm within the meaning of this Act.

(2) The Inspector may summon before him any person whom he believes to be capable of giving information concerning the trade, dealings, affairs or property of such business, and of the antecedents and nationality of those by whom it is or was carried on or controlled.

(3) The Inspector may examine such person on oath concerning the same, and may reduce his answers to writing, and require him to sign them.

(4) The Inspector may require such person to produce any documents in his custody or power in any way relating to such business or to the persons by whom it is or was carried on or controlled.

(5) If any person so summoned refuses to come before the Inspector at the time appointed, the Inspector may cause him to be apprehended and brought before him for examination.

(6) If any person refuses to answer any question or to produce any document which under this section the Inspector is empowered to ask or require production of, such person shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Power to prohibit or restrict, or wind up hostile firms.

4. (1) The Governor General in Council may make an order either—

(*a*) prohibiting any hostile firm from carrying on business, except for the purposes and subject to the conditions, if any, specified in the order: or

(*b*) requiring the business of such firm to be wound up; and may in any case, where he has made an order prohibiting or limiting the carrying on of the business, at any time, if he thinks it expedient, substitute for that order an order requiring the business to be wound up.

(2) Every order made under sub-section (1) shall be published by notification in the *Gazette of India*.

(3) If any person contravenes the provisions of any order made under this section, he shall be punishable with imprisonment which may extend to one year, and shall also be liable to fine.

(4) An order made under this section shall continue in force, notwithstanding the termination of the present war, until determined by order of the Governor General in Council.

Winding up order.

5. (1) Where the Governor General in Council makes an order under this Act requiring a business to be wound up, the order shall, on notification in the *Gazette of India*, have effect as if it were a winding up order made by a Court under the Indian Companies Act, 1913, and the provisions of that Act relating to winding up by the Court and the rules made thereunder subject to such exceptions, restrictions, extensions, modifications and adaptations as the Governor General in Council may, by general or special order, prescribe, or such other rules as may be prescribed by him, shall apply to the winding up of the business:

Provided that, for the purposes of any winding up order under this Act, all powers exercisable by the Court under the said Indian Companies Act shall be exercisable by the Governor General in Council, or by such other authority as he may appoint either generally or specially in that behalf:

Provided also that the assets of the business and any money resulting from the realization of any part thereof shall be dealt with in accordance with such rules as the Governor General in Council may make in that behalf.

(2) Where an order has been made under this Act directing the winding up of the business of a hostile firm, the hostile firm shall not, nor shall any other person, commence or initiate, whilst that order remains in force, any other proceedings of a like nature or calculated in any way to interfere with the carrying out of such order.

Contracts or transfers against the public interest.

6. (1) Where it appears to the Governor General in Council that a contract entered into before or during the war, or a transfer of property, moveable or immoveable, made during the war, with or by a hostile foreigner or a hostile firm is

injurious to the public interest, or was made with the object of evading any provision of the law, the Governor General in Council may by order cancel or determine such contract, either unconditionally or upon such conditions as he thinks fit, or declare such transfer to be void either in whole or in part, or may impose such conditions on the transferee as he thinks fit.

(2) The powers conferred by sub-section (1) in respect of transfers of property shall be exercisable also in respect of any subsequent transfer or sub-transfer which, in the opinion of the Governor General, is injurious to the public interest or was made with the object of evading the law.

(3) On the making of an order under this section declaring any transfer or subsequent transfer or sub-transfer to be void, all property, the transfer of which is declared void by such order, shall, with effect from the date of the order, be deemed to be re-vested in the original transferor, or, if a winding up order has been made under section 4 (1) (*b*), in the liquidator.

Power of the Governor General in Council to vest property in Custodian under the Enemy Trading Act, 1915.

7. (1) The Governor General in Council, in any case where it appears to him to be expedient to do so, may by order vest in any Custodian appointed under the Enemy Trading Act, 1915, any property, moveable or immoveable, belonging to, or deemed to be vested in, or managed or held whether in trust or otherwise, for, or on behalf of, a hostile foreigner, a hostile firm, or any person or company residing in, or carrying on business in the dominions of, a State at war with His Majesty, or the right to transfer that property, and may by any such order or any subsequent order confer on the Custodian such powers of selling, managing and otherwise dealing with the property as to the Governor General in Council may seem proper.

(2) A vesting order under this section shall, notwithstanding the provisions of any other law to the contrary, be sufficient to vest in the Custodian any property or the right to transfer any property as provided by the order without the necessity of any further document.

(3) Where, in the exercise of the powers conferred on him by the Governor General in Council, the Custodian proposes to sell any shares or stock forming part of the capital of any company or any securities issued by the Company in respect of which a vesting order under this Act has been made, the company may, with the consent of the Governor General in Council, purchase the shares, stock or securities, notwithstanding anything to the contrary in any law or in any regulation of the company, and any shares, stock or securities so purchased may, from time to time, be re-issued by the company.

(4) The transfer by Custodian of any property shall be conclusive evidence in favour of the transferee and of the Custodian that the requirements of this section have been complied with.

(5) All property vested in the Custodian under this section and the proceeds of the sale of, or money arising from, any such property, shall be dealt with by him in accordance with such directions as he may receive from the Governor-General in Council; and no such property or money shall be liable to be attached or otherwise taken in execution.

Validity of vesting orders.

8. Where a vesting order has been made under this Act as respects any property belonging to, or held or managed for, or on behalf of, a person who appeared to the Governor General in Council to be a person to whom the provisions of Section 7 were applicable, the order shall not, nor shall any proceedings thereunder or in consequence thereof be invalidated or affected by reason only of such person having, prior to the date of the order, died or ceased to be a person to whom the said provisions were applicable, or subsequently dying or ceasing to be such a person or by reason of its being subsequently ascertained that he was not such a person, as the case may be.

Registration of transfer without production of certificates, etc.

9. Where the Custodian executes a transfer of any shares, stock or securities which he is empowered to transfer by a vesting order made under this Act, the company in whose books the shares, stock or securities are registered shall upon the receipt of the transfer so executed by the Custodian,

and upon being required by him so to do, register the shares, stock or securities in the name of the Custodian or other transferee, notwithstanding any regulation or stipulation of the company, and notwithstanding that the Custodian is not in possession of the certificate, scrip or other document of title relating to the shares, stock or securities transferred; but such registration shall be without prejudice to any lien or charge in favour of the company or to any other lien or charge of which the Custodian has express notice.

Power to make rules.

10. (1) The Governor General in Council may make rules for all or any of the following purposes, namely :—

(*a*) providing for the distribution or disposal of any assets, or any money resulting from the realization of any part thereof, of any business in respect of which a winding up order has been made under this Act;

(*b*) prescribing that hostile foreigners and hostile firms or any class of hostile foreigners or hostile firms shall, when required by the Custodian, furnish to him such particulars as he may require of all or any moveable or immoveable property in their possession, or under their control whether direct or indirect;

(*c*) requiring persons in British India to furnish to the Custodian such particulars as he may require of all or any class of debts or other property due by them to any person to whom the provisions of section 7 are or may be applicable;

(*d*) prescribing the remuneration payable to the Custodian in respect of his duties under this Act, the fund from which it shall be paid, and the method of collecting the same; and

(*e*) generally for carrying out the purposes of this Act.

(2) In making any rule under this section, the Governor General in Council may direct that a breach of it shall be punishable with imprisonment which may extend to a term not exceeding six months, or with fine which may extend to one thousand rupees, or with both.

Certain licenses under the Hostile Foreigners (Trading) Order to be deemed to be orders issued under section 4 (1) (a).

11. Every license for the time being in force granted under the Hostile Foreigners (Trading) Order permitting the licensee to trade or carry on business subject to conditions or restrictions shall be deemed to be an order made under section 4 (1) (*a*), and this Act shall have effect accordingly.

Power to deal with non-trading companies.

12. (1) The Governor General in Council may, by notification in the *Gazette of India*, declare that the powers conferred by section 7 in regard to the property, moveable or immoveable, of the persons referred to therein shall extend to the property, moveable or immoveable, in British India, of any company specified in such notification of which any member is a hostile foreigner, or of which a hostile foreigner was a member or officer on the 3rd day of August, 1914, notwithstanding that such company is not a company trading in British India.

(2) On the publication of a notification under sub-section (1), the company shall be deemed to be a person referred to in section 7 of this Act, and this Act shall have effect accordingly.

Validation of past action.

13. Any Act done after the 3rd day of August 1914 by, or under the orders of, any officer of Government in respect of the property, moveable or immoveable, of any hostile foreigner or hostile firm which, if this Act had been in force, could have been validly done in the exercise of the powers conferred thereby, or which could have been conferred thereunder, is hereby validated.

Repeal of Ordinance V of 1916.

14. The Enemy Trading Ordinance, 1916, is hereby repealed.

(Sd.) A. P. MUDDIMAN,
Secretary to the Government of India.

2 draft

G.R.S. 26]

GEN. & REV. SECRETARIAT. TYPING SCC. 22 MAY 1917

SUBJECT.....

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Diary No. of letter replied to.....

Section Legis

File No. 15-H

Serial No. 8

General and Revenue Secretariat

( )

, the *191* .

No. 4257

Date of issue 24/5/17

Signed by M. N. G. Srinivasa Iyer

To

The Secretary to the
Govt of His Highness
the Nizam, Judicial
Dept, Hyderabad,
(Deccan)

Sir

I am directed to
forward herewith 2
copies of Regulations
II of 1917 and III of 1917.

I have &c
Sd/- [illegible]

For Secy to Govt
Gen

Govt.

21-5-17

[illegible]

2 drafts

G. R. S. 26]

GEN. & REV. SECRETARIAT

22 MAY 1917

SUBJECT: Tr... ...ec.

Diary No. of letter replied to

Section Legis
File No. 15-16
Serial No. 9

General and Revenue Secretariat
( ).
, the 191 ..

No. Rl. 1167/Ee 19

Date of issue 24-5-1917

Signed by: G. N. Narasinga Rao

To The F. A. Resident
in Mysore, Bangalore

Sir

I am directed to forward herewith 9 copies of Regulations II of 1917 and III of 1917.

I have &c.

For Secy to Govt

G. D.

Encls 9 Copies

Rl
24-5-17

over.

Rl
24/5

List of enclosures.

9 Copies

Nee 24. 5-47

Copied by

Examined by

-GPB—20,000—14-2-14